

Appl. No.: 10/083,432
Amdt. dated 03/20/2006
Reply to Official Action of December 20, 2005

REMARKS/ARGUMENTS

The present application includes pending Claims 1-21, 25 and 26, of which the final Official Action rejects Claims 1-5, 7-10, 13, 14, 16, 17 and 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,505,160 to Levy et al. The final Official Action also rejects Claims 1, 6, 11, 15, 18-20, 25 and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0128514 to Rhoads; and rejects Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over the Rhoads publication, in view of U.S. Patent No. 6,363,364 to Nel. Further, the final Official Action objects to dependent Claim 8 as including a typographical error. Applicants have amended dependent Claim 8 per the Examiner's suggestion in the final Official Action, and accordingly, respectfully submit that the objection to Claim 8 is overcome.

Also in response to the final Official Action, Applicants have amended independent Claims 1, 25 and 26 to further clarify the claimed invention, incorporating the subject matter of dependent Claim 19 therein. Accordingly, Applicants have cancelled dependent Claim 19. Applicants have also amended dependent Claim 20 into independent form, including the recitations of independent Claim 1. And further, Applicants have presented new Claims 27 and 28, including the subject matter of former independent Claims 25 and 26, respectively, together with the subject matter of former dependent Claim 20. As independent Claims 1, 25 and 26 have been amended to incorporate the subject matter of a dependent claim (i.e., Claim 19) previously examined, Applicants respectfully submit that the amendments to Claims 1, 25 and 26 do not raise any new issues or introduce any new matter, and as such, should be considered by the Examiner and entered into the record of the present application. Similarly, as the amendment to dependent Claim 20, and added independent Claims 27 and 28, include the subject matter of previously presented and examined claims (i.e., Claims 25 and 26 including the subject matter of Claim 20), Applicants also respectfully submit that the amendment to Claim 20, and added Claims 27 and 28, do not raise any new issues or introduce any new matter, and as such, should be considered by the Examiner and entered into the record.

As explained below, Applicants respectfully submit that, as amended, the claimed invention is patentably distinct from Levy, Rhoads and Nel, taken individually or in

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combination. In view of the amendments to independent Claims 1, 8, 20, 25 and 26, added Claim 27 and 28, cancelled Claim 19, and the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Claims 1-18, 21, 25 and 26 are Patentable

Amended independent Claim 1 recites a method in a system where user equipment and another party are enabled to exchange transaction data. As recited, the method includes generating a data entity that associates with a transaction, and including information of an object that associates with the transaction in the data entity. As also recited, the method includes transmitting the data entity from an element of a mobile communication network to the user equipment over a wireless interface. Further, the method includes downloading to the user equipment additional information that associates with the transaction based on said information of the object.

In contrast to amended independent Claim 1, Applicants respectfully submit that none of Levy, Rhoads and Nel, taken individually or in combination, teach or suggest a method including transmitting the data entity from an element of a mobile communication network to the user equipment over a wireless interface. As indicated above, the aforementioned subject matter of amended independent Claim 1 previously appeared in dependent Claim 19. And as also indicated above, the final Official Action rejects dependent Claim 19 as being anticipated by Rhoads. In this regard, Rhoads discloses a device that monitors ambient audio for the presence of a digital watermark in an audio work, whereby the digital watermark includes an encoded data payload. The data payload may include a number of data fields representing, for example, the title, name of the artist and publisher of the work, the date of publication, etc. Upon detecting the digital watermark, the device decodes the encoded payload data, and transmits some or all of the decoded payload data to a relay station, which in turn, route the data to a destination for use thereby. As disclosed, the destination may be a repository storing the audio work such that, upon receiving the data from the relay station, the destination dispatches the respective audio work to the user via the Internet.

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In rejecting independent Claim 1, and by dependency Claim 19, the Official Action asserts that the watermark disclosed by Rhoads corresponds to the recited entity. Without conceding a proper interpretation of Rhoads, consider for the sake of argument that the aforementioned interpretation of Rhoads is accurate. In accordance with such an interpretation, however, Rhoads does not teach or suggest that the digital watermark is transmitted from an element of a mobile communication network to the device, similar to the user equipment of the claimed invention. Rather, as disclosed by Rhoads, the digital watermark is detected by the device from ambient audio, such as from audio playing at a coffee shop (see Rhoads, paragraph 0003). Rhoads does disclose transmitting decoded data from a watermark to a relay station, which one could argue (although expressly not admitted) is an element of a mobile communication network. Even in such an instance, however, the decoded data does not correspond to a data entity as in the claimed invention, particularly in view of the Official Action's interpretation of the decoded data as corresponding to the recited "information of an object."

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-18 and 21, is patentably distinct from Rhoads. Applicants also respectfully submit that neither Levy nor Nel, taken individually or in combination, teach or suggest the aforementioned feature of the claimed invention. Thus, Applicants respectfully submit that amended independent Claim 1, and by dependency Claims 2-18 and 21, is patentably distinct from Levy, Rhoads and Nel, taken individually or in combination.

Applicants further respectfully submit that amended independent Claims 25 and 26 recite subject matter similar to that of amended independent Claim 1, including the aforementioned feature of transmitting the data entity from an element of a mobile communication network to the user equipment over a wireless interface. Thus, for at least the reasons given above, Applicants respectfully submit that amended independent Claims 25 and 26 are also patentably distinct from Levy, Rhoads and Nel, taken individually or in combination, for at least the reasons given above with respect to amended independent Claim 1.

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For at least the foregoing reasons, Applicants respectfully submit that the rejections of Claims 1, 2-18, 21, 25 and 26, as being anticipated by Levy and/or Rhoads, or as being unpatentable over Rhoads in view of Nel, are overcome.

B. Claims 20, 27 and 28 are Patentable

Similar to amended independent Claim 1, amended independent Claim 20 recites a method in a system where user equipment and another party are enabled to exchange transaction data. As recited, the method includes generating a data entity that associates with a transaction, and including information of an object that associates with the transaction in the data entity. As also recited, the method includes communicating via a local wireless link with another station for transmitting the data entity to the user equipment. Further, the method includes downloading to the user equipment additional information that associates with the transaction based on said information of the object.

In contrast to amended independent Claim 20, Applicants respectfully submit that none of Levy, Rhoads and Nel, taken individually or in combination, teach or suggest a method including communicating via a local wireless link with another station for transmitting the data entity to the user equipment. As indicated above, the final Official Action rejects dependent Claim 20 as being anticipated by Rhoads. Similar to that explained above with respect to amended independent Claim 1, and again presuming the accuracy of the Official Action's interpretation of Rhoads (although expressly not admitting such), Rhoads does not teach or suggest communicating via a local wireless link with another station for transmitting the watermark to the device, similar to the user equipment of the claimed invention. Rather, the device of Rhoads detects the watermark (interpreted as the data entity) from the ambient of the device.

Applicants therefore respectfully submit that amended independent Claim 20 is patentably distinct from Rhoads. Applicants also respectfully submit that neither Levy nor Nel, taken individually or in combination, teach or suggest the aforementioned feature of the claimed invention. Thus, Applicants respectfully submit that amended independent Claim 20 is patentably distinct from Levy, Rhoads and Nel, taken individually or in combination.

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Applicants further respectfully submit that new independent Claims 27 and 28 recite subject matter similar to that of amended independent Claim 20, including the aforementioned feature of communicating via a local wireless link with another station for transmitting the data entity to the user equipment. Thus, for at least the reasons given above, Applicants respectfully submit that new independent Claims 27 and 28 are also patentably distinct from Levy, Rhoads and Nel, taken individually or in combination, for at least the reasons given above with respect to amended independent Claim 20.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of dependent (now independent) Claim 20 as being anticipated by Rhoads is overcome.

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CONCLUSION

In view of the amendments to Claims 1, 8, 20, 25 and 26, added Claims 27 and 28, cancelled Claim 19, and the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application. As explained above, no new matter or issues are raised by this Amendment, and as such, Applicant alternatively respectfully requests entry of this Amendment for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

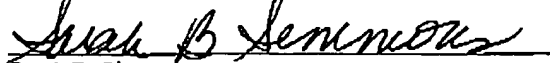
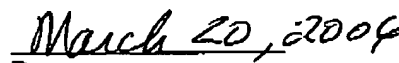
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